

House File 2078 - Introduced

HOUSE FILE 2078
BY ISENHART

A BILL FOR

1 An Act relating to certification requirements related to
2 services provided by an assisted living program, and
3 including effective date and retroactive applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.3, subsection 4, paragraph a, Code
2 Supplement 2009, is amended to read as follows:

3 a. Services provided by a certified assisted living program
4 may be provided directly by a person who is staff of the
5 assisted living program, by ~~individuals~~ a person contracting
6 with the assisted living program to provide services, or by
7 ~~individuals~~ a person employed by the tenant or with whom
8 the tenant contracts if the tenant agrees to assume the
9 responsibility and risk of the employment or the contractual
10 relationship. For the purposes of specifying the entity
11 providing services under this section, "person" means person
12 as defined in section 4.1 and includes a corporate parent,
13 subsidiary, or affiliate of an assisted living program.

14 Sec. 2. Section 231C.3, subsection 4, Code Supplement 2009,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. c. Certification of an assisted living
17 program shall require that an assisted living program is
18 prohibited from ceasing operation as an assisted living program
19 if the program provides or continues to provide services which
20 meet the definition of assisted living under this chapter by a
21 person as specified in paragraph "a". This prohibition shall
22 apply to any entity in this state that meets the definition of
23 assisted living program on or after July 1, 2009.

24 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 APPLICABILITY. This Act, being deemed of immediate importance,
26 takes effect upon enactment and applies retroactively to July
27 1, 2009.

28 EXPLANATION

29 This bill relates to the services provided by an assisted
30 living program. The bill provides that services provided
31 by a certified assisted living program may be provided by
32 persons as specified in the bill and defines "person" to
33 mean person as defined in Code section 4.1, which means an
34 individual, corporation, limited liability company, government
35 or governmental subdivision or agency, business trust, estate,

1 trust, partnership or association, or any other legal entity
2 and for the purposes of the bill specifically includes any
3 corporate parent, subsidiary, or affiliate of an assisted
4 living program.

5 The bill also provides that certification of an assisted
6 living program requires that an assisted living program is
7 prohibited from ceasing operation as an assisted living program
8 if the program provides or continues to provide services which
9 meet the definition of assisted living under the Code chapter
10 by a person as specified under the bill. The prohibition
11 applies to any entity in this state that meets the definition
12 of assisted living program on or after July 1, 2009.

13 The bill takes effect upon enactment and is retroactively
14 applicable to July 1, 2009.